REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3 are cancelled. Claims 1 and 4-16 remain in this application as amended herein, and claims 17-18 are added. Accordingly, claims 1 and 4-18 are submitted for the Examiner's reconsideration.

Applicants express appreciation to the Examiner for the telephone interview held on January 8, 2006 regarding the Examiner's response to the arguments set out in the July 24, 2006 Amendment.

In the Office Action, claims 1, 4-7, 10, 13, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hecksel (U.S. Patent No. 6,151,707) in view of Rogers (U.S. Patent No. 6,018,719) and official notice. Applicants submit that the claims are patentably distinguishable over the cited references.

Claim 1, for example, calls for:

> a questionnaire data storage unit operable to receive from the user terminal purchaser responses that the purchaser has inputted at the user terminal in response to a first questionnaire, to store the purchaser responses to the first questionnaire, the first questionnaire being available to the purchaser at a time the purchaser provides the registration code and the purchaser information, to transmit a second questionnaire to the user terminal at a predetermined time subsequent to the receipt and storage of the registration code and the purchaser information, to receive from the user terminal *purchaser responses that the purchaser has inputted at the user terminal in response to the second questionnaire*, and to store the purchaser responses to the second questionnaire; and
>
> a questionnaire data processing unit operable to receive the stored purchaser information, registration code and customer identifier from said customer data unit, to determine whether said questionnaire data storage unit is to transmit an interview questionnaire to the user terminal based on at least part of the

> purchaser information, to receive from the user terminal *purchaser responses that the purchaser has inputted at the user terminal in response to the interview questionnaire*, to combine the purchaser responses to at least one of the first questionnaire, the second questionnaire, and the interview questionnaire with responses obtained from other purchasers, and to output data based on the combined responses. (Emphasis added.)

Hecksel *teaches away* from purchaser responses that the purchaser has inputted at a user terminal *in response to a second questionnaire* and *teaches away* from purchaser responses that the purchaser has inputted at a user terminal *in response to an interview questionnaire*.

Specifically, Hecksel describes, in the Background of the Invention, that requiring a customer to repeatedly enter registration data and answer survey questions suffers from the following drawbacks:

> ...[T]his approach requires the user to input the same registration data, time after time, for each software product registered, no matter how similar the information requested. This wastes the user's time and increases the chances of error in entering the data.

(Col.1 ll.33-47.) Hecksel then describes, in the Detailed Description of the Invention, a registration system that stores responses provided by the customer in response to prior questionnaires and then retrieves the stored questionnaire responses when completing subsequent questionnaires whenever possible. The registration system *avoids having the user enter data in response to the subsequent questionnaires*. As Hecksel describes:

> System 10 advantageously utilizes existing registration information associated with matching software program 34n and stored in previous registration file 28 to populate data fields presented to the user registering software program 34a. This saves the user from having to independently ascertain the information and *alleviates the tedious and error*

> *prone task of data entry*. In addition, system 10 stores registration information in a memory 26 to further facilitate data sharing between software programs 34 for future registrations. (Emphasis added.)

(Col.5 ll.43-52, *see also* col.5 ll.23-33.) Thus, Hecksel describes the disadvantages of the prior art's requiring the customer to respond to subsequent questionnaires and then describes an invention that *avoids* requiring the user to provide responses to such questionnaires. Both Hecksel's description of the prior art and Hecksel's invention *teach away in the same manner*.

In the present Office Action, the Examiner asserts that Hecksel's offering of an invention that addresses the problems and deficiencies of the prior art precludes considering the reference as teaching away. Actually, rather than merely addressing the problems of the prior art, such as by providing some improved method for the user to enter the responses, Hecksel describes an invention that *avoids* having the user enter responses to the subsequent questionnaires. Therefore, Hecksel's description of the prior art and description of the invention *both lead a person of ordinary skill* in the relevant art *away from* having a user enter responses to subsequent questionnaires and thereby *both teach away* from requiring the user to provide such responses. As the Federal Circuit sets forth:

> ... A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or *would be led in a direction divergent from the path that was taken by the applicant*. The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the results sought by the applicant. (Emphasis added.)

(*In re Gurley*, 31 USPQ2d 1130,1131 (Fed.Cir. 1994); *see also Ormco Corp. v. Align Technology Inc.*, 79 USPQ2l 1931,1938 (Fed.Cir. 2006) and *Winner International Royalty Corp. v. Wang*, 53 USPQ2d 1580,1587 (Fed.Cir. 2000). Clearly, both Hecksel's description of the prior art and Hecksel's description of the invention suggest a line of development *away from* having a purchaser supply responses to a second questionnaire and *away from* having a user supply responses to an interview questionnaire.

The Examiner also provides an analogy in which an applicant seeks a patent on an electric light bulb having a more reliable filament and in which a prior art reference first describes that prior art light bulbs had short life span filaments and then addresses the problem. The Examiner asserts that such a reference would not teach away from providing longer life span filaments. However, the Examiner fails to consider *the manner in which the problem is addressed* and *how it would lead* the ordinary practitioner. Namely, if such a reference addresses the problem by providing an improvement that uses a longer life span filament, the ordinary practitioner is led in a different direction than were the reference to teach an improvement that avoids the use of filaments, such as by describing a fluorescent bulb. Clearly, if such a reference first describes the impracticality of prior art filaments and then describes an invention that avoids using such filaments, the reference would teach away from using filaments. Similarly, Hecksel first describes the disadvantages of the prior art requiring the user to enter every response to every succeeding questionnaire and then describes an invention which avoids having the user provide responses to the subsequent questionnaires, and in doing so teaches away from providing such responses.

It follows, that Hecksel cannot be relied on in the manner asserted by the Examiner, and therefore the cited references cannot be combined in the asserted manner. Claim 1 is thus patentably distinct and unobvious over the cited references.

Independent claims 4, 5 and 16 each include limitations similar to those set out above in the excerpt of claim 1, and therefore each of these claims is patentably distinct and unobvious over the cited reference for at least the same reasons.

Claim 6-7 depend from claim 1, claim 10 depends from claim 4, and claim 13 depends from claim 5. Each of these claims is therefore distinguishable over the cited art for at least the same reasons as the claim from which it depends.

The Examiner also rejected under 35 U.S.C. § 103(a): (i) claims 8-9 as being unpatentable over Hecksel, Rogers and official notice, as applied to claim 1, and further in view of Jolissaint (U.S. Patent No. 6,463,149) and Sweat ("Web Ties That Bind"); (ii) claims 11-12 as being unpatentable over Hecksel, Rogers and official notice, as applied to claim 4, and further in view of Jolissaint and Sweat; and (iii) claims 14-15 as being unpatentable over Hecksel, Rogers and official notice, as applied to claim 5, and further in view of Jolissaint and Sweat. Applicants submit that these claims are also patentably distinguishable over the cited art.

As described above, Hecksel cannot be relied on in the manner asserted by the Examiner, and therefore the teachings of Hecksel cannot be combined with those of the other cited references.

Additionally, even if the references are combined in the asserted manner, the asserted combination does not disclose or suggest the features set out in claims 9, 12, and 15, as amended. Claim 9, for example, calls for:

> a call center data processing unit operable to receive the stored customer inquiry and the stored associated answer from said call center database, to combine information based on the customer inquiry and the associated answer with other information based on other customer inquiries and their associated answers that are received from said call center data unit, and to generate and display at least one of (i) a plurality of diagrams that are respectively associated with a plurality of categories of purchased products such that a given one of the plurality of diagrams is associated with a particular one of the plurality of categories of purchased products and depicts proportions of a total number of customer inquiries for that category of purchased product divided according to inquiry subject, (ii) a further diagram representing proportions of a total number of customer inquiries for all of the plurality of categories of purchased products divided according to respective ones of the plurality of categories of purchased products, and (iii) another diagram representing ratios of number of customer inquiries to number of items sold for respective ones of the plurality of categories of purchased products, wherein each one of the plurality of diagrams, the further diagram and the another diagram is based on the combined information.

The relied-on sections of the cited art do not disclose or suggest, at the very least, the newly added limitations.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103.

New claims 17 and 18 depend from claim 16 and are distinguishable over the cited art for at least the same reasons. Also, claim 17 includes limitations similar to those set out in claim 8, and claim 18 includes limitations similar to those set out in claim 9. Therefore, claim 17 and 18 are similarly supported. Additionally, claim 18 is further distinguishable over the cited references for at least the reasons described above regarding claim 9.

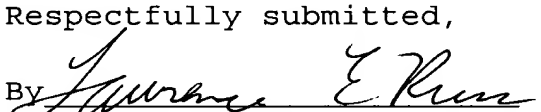
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is

respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 11, 2007

Respectfully submitted,

By 

Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

720686_1.DOC